

RONALD SULLIVAN LAW, PLLC

Ronald S. Sullivan Jr.

January 29, 2024

BY ECF

The Honorable Eric R. Komitee
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 112011

Re: U.S. v. Carlos Watson and Ozy Media, Inc.

Dear Judge Komitee:

Pursuant to the Court's order at the status conference on held on January 18, 2024, undersigned counsel offers the below to shed light on how protected documents may have been inadvertently disclosed in Mr. Watson's civil case.

On information and belief, Mr. Watson's defense team has well over one million documents stored and sorted in an electronic database. Hundreds of thousands come from sources over which Mr. Watson and/or Ozy media was the custodian and were subpoenaed by the Government. As such, many of these documents are duplicative of what the Government secured through various subpoenas and have been disclosed to the defense pursuant to Rule 16. In addition, documents from various sources may be stored in multiple folders, as the defense team prepares for trial in this matter.

On information and belief, three inadvertently disclosed documents, which did not bear any marking indicating that they we subject to a protective order, were copied into a folder that similarly did not bear any indication that any document stored therein was subject to a protective order. Moreover, as Mr. Watson's civil counsel wrote when he moved to cure the error by redacting any content subject to the Protective Order: "[T]he quoted content...does not appear to include obviously confidential or otherwise sensitive information." OZY Media, Inc. v. Smith et al., ECF #5.

Undersigned counsel understands that the three disclosed documents were brief internal emails exchanged between Ben Smith and Jonah Peretti of BuzzFeed, conveying information that Mr. Watson already knew independently from his own personal interactions and communications with both Messrs. Smith and Peretti, Mr. Watson's own emails, his text messages, and documents that Mr. Watson co-authored with Mr. Peretti.

Therefore, undersigned counsel's best hypothesis is that the documents in question were used without knowledge that they were protected documents.

To ensure this form of mistake does not reoccur, undersigned counsel has instructed his document management vendor to affix an electronic marking to any document received by the government so that any such document will bear said marking no matter where it is located in the database.

We trust this will be sufficient to assuage any concerns regarding the potential for future inadvertent disclosure.

On behalf of Mr. Watson and the entire defense team, we apologize to the Court for this inadvertent disclosure.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Sullivan Jr.", with a stylized flourish at the end.

Ronald S. Sullivan Jr.
Counsel to Carlos Watson